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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,495	07/11/2003	Christian John Lee	C-389 DIV	3998
7590	08/30/2005		EXAMINER	
Sidney Persley, Esq. Sun Chemical Corporation 222 Bridge Plaza South Fort Lee, NJ 07024			LE, HOA VAN	
			ART UNIT	PAPER NUMBER
			1752	
DATE MAILED: 08/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,495	Applicant(s) LEE ET AL.	
	Examiner Hoa V. Le	Art Unit 1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is in response to Papers filed on 14 June 2005.

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Krishnan et al (5,725,646).

Krishnan et al disclose and teach a method for lithographic printing comprising using a water-based (self-dampening) lithographic ink composition comprising from up to 60 wt% of water, up to 10 wt% of glycerol rewetting agent, up to 30 wt% of a CI Pigment Black 6 and 7, up to 70 wt% of a binder, up to 5 wt% a surfactant selected from the known classes of acetylenic glycols, ethoxylated glycols and sorbitan esters. As the level of one skill in the art, it has reasons to believe that at least one of them would have the property of 8-20 hydrophilic/lipophilic balance as claimed in the absence of convincing evidence to the contrary. For a property of a material, please see In re Schreiber, 44 USPQ2d 1429. Please also see “ethoxylated polyoxypropylene glycol” on page 9, line 1;

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POE(20) sorbitan monooleate (BASF), (HBL 15.0)" on lines 14-15 of the instant application. Please see col.3:16-40, 4:8, 10-17 and Example 1.

Since Krishnan et al disclose and teach the claimed embodiments, they are found to be anticipated by Krishnan et al.

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al (5,725,646) considered in view of Best (EP 0 079 764) and Wasilewski et al (5,372,635).

Krishnan et al disclose and teach a printing process using a self-dampening lithographic ink composition comprising from up to 60 wt% of water, up to 10 wt% of glycerol rewetting agent, up to 30 wt% of a CI Pigment Black 6 and 7, up to 70 wt% of a binder, up to 5 wt% a surfactant selected from the known classes of acetylenic glycols, ethoxylated glycols and sorbitan esters. As the level of one skill in the art, it has reasons to believe that at least one of them would have the property of 8-20 hydrophilic/lipophilic balance as claimed in the absence of

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convincing evidence to the contrary. For a property of a material, please see In re Schreiber, 44 USPQ2d 1429. Please also see “ethoxylated polyoxypropylene glycol” on page 9, line 1; POE(20) sorbitan monooleate (BASF), (HBL 15.0)” on lines 14-15 of the instant application. Please see col.3:16-40, 4:8, 10-17 and Example 1.

Krishnan et al do not specify an amount of a mineral oil as that in claims 6-9, Best at page 4, third paragraph is cited to show the known use of up to about 50 wt% of mineral oil additive in water/oil ink emulsion on page 10, lines 1-15 for the advantage of providing an oil portion in a water/oil emulsion.

Krishnan et al do not specify the selected nonionic surfactants in claim 11. Wasilewski et al at col.3:18 is cited to show the known nonionic surfactant additive of C₁₀-C₂₀ alkylphenol ethoxylates for the advantage of reducing surface tension among chemical molecules.

Since the above references are all related to a printing process and ink compositions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include oil portion from Best in Krishnan et al compositions for a reasonable expectation of providing an oil portion in water/oil ink emulsion to obtain a balancing hydrophilic/lipophilic property for a hydrophilic/lipophilic printing plate in a printing process to provide clearly clear

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images as disclosed, taught, suggested and obtained in Best and surfactants from Wasilewski et al in Krishnan et al for the advantage of reducing a surface tension among chemical molecules as disclosed, taught, suggested and obtained in Wasilewski et al.

III. Claims 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al (5,725,646) considered Wasilewski et al (5,372,635).

Krishnan et al disclose and teach a method for lithographic printing comprising using a self-dampening lithographic ink composition comprising from up to 60 wt% of water, up to 10 wt% of glycerol rewetting agent, up to 30 wt% of a CI Pigment Black 6 and 7, up to 70 wt% of a binder, up to 5 wt% a surfactant selected from the known classes of acetylenic glycols, ethoxylated glycols and sorbitan esters. As the level of one skill in the art, it has reasons to believe that at least one of them would have the property of 8-20 hydrophilic/lipophilic balance as claimed in the absence of convincing evidence to the contrary. For a property of a material, please see In re Schreiber, 44 USPQ2d 1429. Please also see "ethoxylated polyoxypropylene glycol" on page 9, line 1; POE(20) sorbitan monooleate (BASF), (HBL 15.0)" on lines 14-15 of the instant application. Please see col.3:16-40, 4:8, 10-17 and Example 1.

Krishnan et al do not specify an alkyl phenol and poly oxide derivative thereof as that in claim 9 and an optional amount of mineral oil which may be added to an aqueous containing composition as that in claims 6-8 and 11.

Wasilewski et al at col. 3:18 shows the know use of C₁₀-C₂₀ alkylphenol ethoxylate for the advantage of obtaining a reduction of a surface tension of two or more agent in a liquid composition and col.3:59-67 is cited to show the known use of an amount of mineral oil in an oil-containing printing composition to assist a contact of mineral oil and its soluble agents on lipophilic portions of a lithographic printing plate. There is no suggestion of the "finished printing ink composition" or about the same on 4:2-13 in this rejection. (1) Since Krishnan et al are related self-dampening lithographic printing processes with the presence of a sufficient amount of water for hydrophilic contacting portion, an optional amount of mineral oil as conventionally known lipophilic contacting agent on lipophilic portions of a lithographic printing plate would not cause an adverse or deleterious processes as reasonably expected in the art. (2) Since a lithographic printing process uses a printing plate with water (hydrophilic)/ oil (lipophilic) portions, there is a need for using an ink with a water/oil balancing ink to obtain sharp images. It is reasonable in the art that mineral oil as a lipophilic contacting agent is known to be used for a

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reasonable expectation of contacting with lipophilic portion to further providing sharp images.

Since the above references are all related to methods for lithographic printing processes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include or cite the use of a surfactant and an amount of mineral oil from Kwasniewski et al in Krishnan et al method for reasonable expectations of reducing a surface tension of two or more agents in a liquid composition and assisting a contact of mineral oil on lipophilic portions of a lithographic printing plate for obtaining sharp printed images.

V. Krishnan et al (6,200,372) and British Patent No. 1 336 356 are cited to show the known use of surfactant in a lithographic printing inks. Krishnan et al (5,778,789) is cumulative to the above applied Krishnan et al (5,725,646).

VI. Applicants' arguments filed on 14 June 2005 have considered but are not found to be convincing since the above rejections use new reference or sets of the references.

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VII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332. The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
25 August 2005.

HOA VAN LE
PRIMARY EXAMINER

